



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/14/2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL VIVIANO
Assistant Corporation Counsel
Phone: (212) 356-2368
mviviano@law.nyc.gov

March 10, 2022

VIA ECF

Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Application Denied. The initial conference will proceed as scheduled and the parties shall meet and confer pursuant to Fed. R. Civ. P. 26(f) before the initial conference.

SO ORDERED:

Katharine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

3/14/2022

Re: Marie DeLuca, Adam Shoop, and David Farrow v. City of New York, et al., 21 CV 10777 (AJN) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing the Defendants in the above-referenced matter. Defendants write to request an adjournment of the initial conference currently scheduled for March 30, 2022 at 11:30 a.m., until a date to be determined, following the conclusion of the parties' participation in Local Civil Rule 83.10 (formerly known as, and herein referred to as, the "Plan").

Per docket entry dated December 17, 2021 the above-referenced case was designated for participation in the Plan. The Plan is a comprehensive case management plan that automatically governs the pretrial phase of cases brought pursuant to § 1983 – such as the case at bar -- in this District pursuant to Local Civil Rule 83.10. One purpose of the Plan is to increase efficiencies in certain categories of Section 1983 cases by mandating early disclosures of categories of documents and directing the parties to early mediation. Indeed, the Plan was designed to help efficiently manage and reduce the time of the disposition in the typical Section 1983 cases brought against the NYPD and its officers. See Elliot v. City of N.Y., 2020 U.S. Dist. LEXIS 216028 (S.D.N.Y. Nov. 18, 2020) (explaining the history and purpose of adopting Local Civil Rule 83.10).

Based on the foregoing, the Defendants respectfully request that the initial conference be adjourned until a date after the parties' mediation, following their participation in the Plan, provided that the parties do not resolve this matter in its entirety via mediation. Upon information and belief, this adjournment will not affect any other scheduled dates in this

litigation. This request is made without the plaintiff's consent, who intends to put in a letter setting forth their own position.

Thank you for your time and consideration.

Respectfully submitted,

Michael Viviano /s/

Michael Viviano
Assistant Corporation Counsel

CC: Gideon Oliver, Esq. (BY ECF)